

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Joint Application for
Approval of the Transfer of Control of
Eschelon Telecom of Minnesota, Inc. to Integra
Telecom Holdings, Inc.

ISSUE DATE: August 13, 2007

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ORDER REVISING JUNE 14, 2007 ORDER

PROCEDURAL HISTORY

On April 5, 2007, Eschelon Telecom, Inc. (Eschelon) and its Minnesota operating subsidiary, Eschelon Telecom of Minnesota, Inc. (Eschelon-Minnesota) filed a joint application (Application) requesting that the Commission approve 1) the transfer of control of Eschelon and Eschelon-Minnesota (together, the Applicants) to Integra Telecom Holdings, Inc. (Integra), and 2) the addition of the assumed name, Integra Telecom, to Eschelon-Minnesota's certificate of authority.

On May 23, 2007, the Minnesota Department of Public Service (the Department) filed its Comments.

On June 14, 2007, the Commission's Consent Calendar Committee issued an Order approving the transfer of control of Eschelon Telecom, Inc., including its operating subsidiary, Eschelon Telecom of Minnesota, Inc., to Integra Telecom Holdings, Inc. The Order directed the Applicants to inform the Commission that the proposed transaction has closed within 20 days of its consummation. In addition, the Order directed Eschelon-Minnesota to submit an updated tariff reflecting its assumed name, Integra Telecom, and to notify customers of the name change within 20 days of the date of the Order. Finally, the Order notified the Minnesota Department of Public Safety and the Metropolitan Emergency Services Board of the transaction in the event it had any 911 Plan implications.

On June 27, 2007, the Department filed revised recommendations and requested that the Commission revise its June 14, 2007 Order accordingly.

The Commission met on July 26, 2007 to consider this matter.

FINDINGS AND CONCLUSIONS

I. The Department's Recommendation

In its June 27, 2007 Comments, the Department recommended that the Commission alter its June 14, 2007 Order to take into account information subsequently received. Specifically, the Department reported, it had been informed by the Applicants on June 18, 2007 that the transaction in question was not anticipated to close until later this year and that, as a result, the updated tariff reflecting the assumed name, Integra Telecom, could not be filed within 20 days of the Order's issue date as directed by the Order. Nor would it be possible, for the same reason, to notify customers of the name change within the same 20 day period, as directed by the Order. The Department recommended that the Commission revise the June 14, 2007 Order to reflect this new information.

II. The Commission's Analysis and Action

In its June 14, 2007 Order, based on the information available at that time, the Commission anticipated that the transaction in question would be taking place imminently. The Commission established filing deadlines for certain items based on that understanding.

It has now been clarified that the transfer of control of the Applicants to Integra is not anticipated until later this year, substantially beyond the 20-day-after-Order period established in the June 14, 2007 Order. On its own motion, therefore, the Commission will revise the timelines set in the June 14, 2007 Order for filing an updated tariff and for giving customer notification. See Order Paragraph 1 of this Order.

The Commission clarifies that the June 14, 2007 Order remains in full force and effect in all other respects as of the date of its issuance, June 14, 2007. For example, the Commission's approval of the transfer of control of Eschelon Telecom, Inc., including its operating subsidiary, Eschelon Telecom of Minnesota, Inc., to Integra Telecom Holdings, Inc. remains effective as of the date of the initial, Order, June 14, 2007, as does the requirement that applicants inform the Commission that the proposed transaction has closed within 20 days of its consummation.

ORDER

1. The Commission's June 14, 2007 Order is revised in the following respects:
 - Eschelon Telecom of Minnesota, Inc. must submit an updated tariff reflecting its assumed name, Integra Telecom, not later than 20 days after the transaction closes.
 - Eschelon Telecom of Minnesota, Inc. must notify customers of the name change not later than 20 days after the transaction closes.

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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